

1 Honorable Ricardo S. Martinez
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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 WILLIAM F. RUSSELL,)
12 v.)
13 ALAN HILBURG; individually; HILBURG) STIPULATION AND ORDER
14 & ASSOCIATES, LLC, a limited liability) REGARDING CASE SCHEDULE
15 company; ALAN HILBURG &)
16 ASSOCIATES; HAI HOLDINGS, INC., a)
17 corporation; PORTER NOVELLI, INC., a)
corporation, d/b/a Porter Novelli, Inc.)
Consulting (aka PNConsulting); and JOHN)
DOES and/or JANE DOES 1-3, presently)
unknown parties,)
Defendants.)

18 **I. STIPULATION**
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20 On June 3, 2008, the Court entered a Minute Order Setting Trial Date & Related Dates
21 ("Minute Order"). Dkt. #39. The Minute Order set trial in this matter for July 6, 2009 and
22 established corresponding dates for the discovery cutoff, motions practice, expert witness
23 reports, and other pretrial deadlines.
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25 This matter seeks an accounting for funds received under representation agreements
26 between plaintiff William F. Russell and defendants Alan Hilburg and/or Alan Hilburg and

STIPULATION AND ORDER REGARDING
CASE SCHEDULE- 1
C08-0217 RSM

Smith & Hennessey
PLLC
Attorneys at Law
316 Occidental Avenue South, Suite 500
Seattle, Washington 98104
(206) 292-1770 Telephone
(206) 292-1790 Facsimile

1 Associates (now HAI Holdings, Inc.), damages for alleged breaches arising out of the
2 agreements and other violations, and a determination of the liability of Porter Novelli, Inc. and
3 Hilburg & Associates International, LLC for the acts of Alan Hilburg.

4 Because the matter seeks an accounting, the parties, with a view toward having
5 accounting experts review and evaluate the financial information needed for an accounting and
6 thereafter to engage in a mediation, proposed in their original Joint Status Report (Dkt. #33) that
7 the parties would acquire documents needed for a complete accounting through documentary
8 discovery, followed by a mediation, before the parties engaged in deposition discovery. To that
9 end, plaintiff has already provided his draft expert witness report to defendants, and defendants
10 Alan Hilburg and HAI Holdings, Inc. have agreed to provide their draft expert witness report by
11 January 30, 2009. In addition, the parties are in the process of selecting mediators with the goal
12 of engaging in mediation the week of February 9, 2009.
13

14 The parties have made significant progress thus far, including exchanging nearly 10,000
15 pages of documents, obtaining documents from several third parties, and engaging financial
16 experts who are evaluating the financial documents and providing their analyses and draft reports
17 on an on-going basis.
18

19 However, the process of assembling the accounting documents has taken longer than was
20 originally contemplated, and the parties are still awaiting certain documents from third parties.
21 There is also outstanding discovery in process. In order to meet their objective of conducting a
22 complete accounting and mediation prior to deposition discovery, the parties have agreed that the
23 trial and related case schedule dates should be extended approximately 90 days to permit a
24 complete accounting and mediation and then, if necessary, deposition discovery. Accordingly,
25 subject to the Court's approval, the parties hereto stipulate to amend the current case schedule as
26 STIPULATION AND ORDER REGARDING
CASE SCHEDULE- 2
C08-0217 RSM

Smith & Hennessey
PLLC
Attorneys at Law
316 Occidental Avenue South, Suite 500
Seattle, Washington 98104
(206) 292-1770 Telephone
(206) 292-1790 Facsimile

1 follows:

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ORDER SETTING TRIAL DATE & RELATED DATES

	Original Dates	Revised Dates
TRIAL DATE	July 6, 2009 at 9:00 AM	October 5, 2009 at 9:00 AM
Reports from expert witnesses under FRCP 26(a)(2) due	01/07/2009	04/07/2009
All motions related to discovery must be filed by and noted on the motion calendar no later than the third Friday thereafter (<u>see CR7(d)</u>)	02/06/2009	05/07/2009
Discovery completed by	03/09/2009	06/08/2009
All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (<u>see CR7(d)</u>)	04/07/2009	07/09/2009
Mediation per CR 39.1(c)(3) held no later than	05/22/2009	02/27/2009
All motions in limine must be filed by and noted on the motion calendar no later than the second Friday thereafter	06/08/2009	09/10/2009
Agreed pretrial order due	06/24/2009	09/22/2009
Pretrial conference [to be scheduled by the Court]		
Trial briefs, proposed voir dire questions, proposed jury instructions, and trial exhibits due	07/01/2009	09/29/09
Length of Jury Trial:	7 days	7 days

DATED this 16th day of January, 2009.

SMITH & HENNESSEY PLLC

/s/ Geoffrey P. Knudsen

James A. Smith, Jr., WSBA #5444

Geoffrey P. Knudsen, WSBA #1324

Attorneys for Defendants Alan Hilburg
and HAI Holdings, Inc.

DAVID J. BALINT, PLLC

STIPULATION AND ORDER REGARDING
CASE SCHEDULE- 3
C08-0217 RSM

Smith & Hennessy

PLLC

Attorneys at Law

316 Occidental Avenue South, Suite 500
Seattle, Washington 98104
(206) 292-1770 Telephone
(206) 292-1790 Facsimile

1 /s/ David J. Balint
2 David J. Balint, WSBA # 5881
3 Donald J. Horowitz, WSBA #7304
4 Attorneys for Plaintiff
5 William F. Russell

6 DAVIS WRIGHT TREMAINE LLP

7
8 /s/ Brendan T. Mangan
9 Brendan T. Mangan, WSBA #17231
10 Attorneys for Defendants
11 Porter Novelli, Inc. and Hilburg & Associates
12 International, LLC

13 DAVIS & GILBERT LLP

14 /s/ Shirin Keen
15 Maureen McLoughlin, *Pro Hac Vice*
16 Shirin Keen, *Pro Hac Vice*
17 Attorneys for Defendants
18 Porter Novelli, Inc. and Hilburg & Associates
19 International, LLC

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STIPULATION AND ORDER REGARDING
CASE SCHEDULE- 4
C08-0217 RSM

Smith & Hennessey
PLLC
Attorneys at Law
316 Occidental Avenue South, Suite 500
Seattle, Washington 98104
(206) 292-1770 Telephone
(206) 292-1790 Facsimile

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II. ORDER

2 Pursuant to the foregoing Stipulation of the parties, and good cause appearing, it is
3 hereby ORDERED that the Order Setting Trial Date & Related Dates shall be amended as
4 follows:

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ORDER SETTING TRIAL DATE & RELATED DATES

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TRIAL DATE	October 5, 2009 at 9:00 AM
Reports from expert witnesses under FRCP 26(a)(2) due	04/07/2009
All motions related to discovery must be filed by and noted on the motion calendar no later than the third Friday thereafter (<u>see CR7(d)</u>)	05/07/2009
Discovery completed by	06/08/2009
All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (<u>see CR7(d))</u>	07/09/2009
Mediation per CR 39.1(c)(3) held no later than	02/27/2009
All motions in limine must be filed by and noted on the motion calendar no later than the second Friday thereafter	09/10/2009
Agreed pretrial order due	09/22/2009
Pretrial conference [to be scheduled by the Court]	
Trial briefs, proposed voir dire questions, proposed jury instructions, and trial exhibits due	09/29/09
Length of Jury Trial:	7 days

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STIPULATION AND ORDER REGARDING
CASE SCHEDULE- 5
C08-0217 RSM

Smith & Hennessey
PLLC
Attorneys at Law
316 Occidental Avenue South, Suite 500
Seattle, Washington 98104
(206) 292-1770 Telephone
(206) 292-1790 Facsimile

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3 DATED this 28th day of January, 2009.
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6 RICARDO S. MARTINEZ
7 UNITED STATES DISTRICT JUDGE
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11 Presented by:
12 SMITH & HENNESSEY PLLC
13
14 /s/ Geoffrey P. Knudsen
James A. Smith, Jr., WSBA #5444
Geoffrey P. Knudsen, WSBA #1324
15 Attorneys for Defendants Alan Hilburg
and HAI Holdings, Inc.
16
17 DAVID J. BALINT, PLLC
18
19 /s/ David J. Balint
David J. Balint, WSBA # 5881
Donald J. Horowitz, WSBA #7304
20 Attorneys for Plaintiff
William F. Russell
21
22 DAVIS WRIGHT TREMAINE LLP
23
24 /s/ Brendan T. Mangan
Brendan T. Mangan, WSBA #17231
Attorneys for Defendants
Porter Novelli, Inc. and Hilburg & Associates
25 International, LLC
26
STIPULATION AND ORDER REGARDING
CASE SCHEDULE- 6
C08-0217 RSM

Smith & Hennessey
PLLC
Attorneys at Law
316 Occidental Avenue South, Suite 500
Seattle, Washington 98104
(206) 292-1770 Telephone
(206) 292-1790 Facsimile

1

2 DAVIS & GILBERT LLP

3 /s/ Shirin Keen

4 Maureen McLoughlin, *Pro Hac Vice*
Shirin Keen, *Pro Hac Vice*
5 Attorneys for Defendants
Porter Novelli, Inc. and Hilburg & Associates
6 International, LLC

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STIPULATION AND ORDER REGARDING
CASE SCHEDULE- 7
C08-0217 RSM

Smith & Hennessey

PLLC

Attorneys at Law

316 Occidental Avenue South, Suite 500
Seattle, Washington 98104
(206) 292-1770 Telephone
(206) 292-1790 Facsimile